IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 19TH FEBRUARY 2007 / 30TH MAGHA 1928

WP(C).No. 4356 of 2006(R)

PETITIONER:

SINCY RAPHAEL,
D/O.RAPHAEL CHIRAYATH, AGED 23 YEARS,
CHIRAYATH HOUSE, P.O.PALACKAL, THRISSUR.

BY ADV. SRI.C.A.CHACKO
SMT.C.M.CHARISMA
SRI.N.A.SHAFEEK

RESPONDENTS:

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1. THE CONTROLLER OF EXAMINATIONS,
UNIVERSITY OF CALICUT,
CALICUT UNIVERSITY.P.O.

2. THE REGISTRAR,
UNIVERSITY OF CALICUT,
CALICUT UNIVERSITY.P.O.

3. THE JOINT REGISTRAR (EXAM.),
UNIVERSITY OF CALICUT,
(PAREEKSHA BHAVAN), CALICUT UNIVERSITY.P.O.

BY ADV. SRI.E.S.ASHRAF, SC, CALICUT UNIVERSITY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF THE HALL TICKET.

P2: TRUE COPY OF THE REPRESENTATION DT.28.11.2005 SUBMITTED BY THE PETITIONER BEFORE R1.

P3: TRUE COPY OF THE MEMO DT.31.1.2006 ISSUED BY R3 TO THE PETITIONER.

RESPONDENT'S EXHIBITS:

R2(a): TRUE COPY OF THE EXPLANATION DT.27.2.2006.

R2(b): TRUE COPY OF MINUTES OF THE MEETING OF THE BRANCH OFFICERS IN THE PAREEKSHA BHAVAN DT.24.3.2006.

TRUE COPY

P.S. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.4356 of 2006

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Dated this the 19th day of February, 2007.

JUDGMENT

The petitioner after completing the first year B.Com. wrote the University examination in April 2002. However, petitioner did not continue her studies, but went for TTC course. Since petitioner discontinued studies, no marklist was issued to the petitioner for the first year examination written by her. Counsel for the University submitted that the Assistant who prepared the marklist recorded that petitioner's examination was cancelled which is factually incorrect. The petitioner applied for copy of marklist only in 2005. Even though University tried to trace the answer books for getting it valued again, counsel submitted that University was unable to trace the answer books after three years of conduct of examinations. It is also reported that disciplinary action is initiated against the concerned Assistant who failed to incorporate the marks obtained by the petitioner in the first year examinations and to issue the marklist to the petitioner. Even though negligence of the University is proved beyond doubt, I find petitioner has contributed to the problem more because she applied for marklist after three years of writing the examination. In the circumstances,

the only option to the petitioner is to write the first year examination again if she so desires. There will be further direction to the University to take disciplinary action against the person concerned for the gross negligence. If by chance answer books are traced, then University will get the answer books valued and issue marklist to the petitioner. Similarly if marklist is traced, then there will be direction to the University to issue the same to the petitioner.

C.N.RAMACHANDRAN NAIR
Judge

pms